



CITY OF COLUMBIA
WORK SESSION MINUTES
TUESDAY, DECEMBER 10, 2013
2:00 P.M.
CITY HALL – 1737 MAIN STREET
2ND FLOOR CONFERENCE ROOM

The Columbia City Council conducted a Work Session on Tuesday, December 10, 2013 at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 2:13 p.m. and the following members of Council were present: The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Leona K. Plough, The Honorable Brian DeQuincey Newman, The Honorable Cameron A. Runyan and The Honorable Moe Baddourah. Also present were Ms. Teresa B. Wilson, City Manager and Ms. Niki Daniels, City Clerk Assistant. This meeting was advertised in accordance with the Freedom of Information Act.

CITY MANAGER'S REPORT

Ms. Teresa Wilson, City Manager gave an update on the police chief search. She said forty (40) applications were received; twelve (12) are minority candidates; two (2) are internal candidates; there were no female candidates; and all applicants have a minimum of a four year degree with the exception of one (1). The applicants applied from Washington State, Illinois, Pennsylvania, New York, Virginia, Florida and Texas and eleven (11) of the candidates are from South Carolina. She said eighteen (18) applicants are past or current chiefs and five (5) have assistant or deputy chief experience. She outlined a projected timeline, which includes a tentative committee meeting on December 16, 2014; starting the comprehensive interview and selection process in January 2014; and the new police chief will tentatively begin serving in March 2014.

Councilor Devine asked about the stakeholder recommendations. She asked how many will serve on the committee.

Ms. Teresa Wilson, City Manager said we are flexible with the submittal of recommendations.

Mayor Benjamin asked about the role of the committee.

Ms. Teresa Wilson, City Manager said they are the voice of the community; we want them to be actively involved in the process.

Councilor Devine asked about the interaction process.

Ms. Teresa Wilson, City Manager said the first meeting is with the committee. She said when the selections are down to the top five (5) candidates, a reception can be considered.

Councilor Baddourah asked did the holiday schedule delay applications received and what are the average experiences of all applicants.

Ms. Teresa Wilson, City Manager said we are waiting for the posting date to close before we start screening the applications.

Councilor Plough said one of the strengths of the group of professionals is to advise the City Manager on the selection and to remain in place to help with the transition.

Mayor Benjamin asked if they considered hiring a national search firm. He said we need a process in place to be representative of the entire community.

Ms. Teresa Wilson, City Manager said we have talked to the members of Chambers about hiring a national search firm; the CFO has been aware of the resources available; and we have set aside means for community engagement, messaging and logistics. She said national search firms bring a different level of applicants who are just in the job search; we wanted to be objective; we first have to screen the applications received. She asked what will be accomplished by hiring a national search firm.

Councilor Davis said we should agree on a certain number for the stakeholders committee.

Councilor Baddourah said he supports the plan to find a police chief as soon as possible.

Mayor Benjamin said there is a difference in having a national process and having a national search.

Councilor Newman asked about the accomplishments of the current process.

Ms. Teresa Wilson, City Manager said what was put together accomplished what a national search will do.

Councilor Devine said we need to collectively look at the committee representatives and commit on a certain number.

FINANCIAL REPORT

Mr. Jeff Palen, Chief Financial Officer gave an update on the October 2013 General Fund revenues. He said the information will be included on the agendas and the website going forward. He said the format will change to reflect the previous and current year's budget and the goal is to have the prior month's information accessible on the last day of each month, which will include the water & sewer fund, general fund and parking fund.

Councilor Plough asked him to explain the deficit in the general fund budget.

Mr. Jeff Palen, Chief Financial Officer said revenues do not come in equal monthly allotments throughout the year; the revenues for the general fund are typically around 50% in property taxes; the majority of the revenues are collected in January; and the remainder in March after the delinquencies are collected. He said the business license revenues are collected in April and June. He said a lot of the items come in after the budget process and the trends are about a year old. He said it's important to keep a fund balance, because it keeps the general fund revenues from being in the negative and it pays the bills until the revenues come in.

CITY COUNCIL DISCUSSION / ACTION

1. Bicycle Pedestrian Master Plan

Ms. Dana Higgins, City Engineer gave an update on the Bicycle Pedestrian Master Plan. She said the submittal process has been closed; we partnered with the COG and secured \$150,000 in federal funds; \$50,000 was granted from the Hospitality Tax Fund; \$10,000 from Palmetto Health; and \$1,500 from Abacus Financial Planning. The estimated total for the plan is \$200,000. She said the funds exceeded the cost and two components were added, which are the Bike Share Feasibility Study and implementation documents. She said the consultant for the bike plan will engage with all the stakeholders in the city to include the regional areas. She said the capital improvement plan will be developed and outlined over the next ten years to include projected costs. She said the bike share plan will focus on the city limits. She noted that four design firms submitted proposals on December 3, 2013; interviews will be conducted with firms on December 17, 2013; a contract will be awarded on December 27, 2013; and the master plan will be completed by January 1, 2015.

Councilor Plaugh asked about the penny sales tax.

Ms. Dana Higgins, City Engineer said the process has been worked out; it will be used for the Lincoln Street Tunnel.

Ms. Natalie Britt, Chair of BPAC / Executive Director of Palmetto Conservation Foundation said there were several bike projects within the city; some have been completed in the time frame when the penny tax passed. She said a portion of the plan was submitted to the county to identify the projects that could have been potentially funded. She said the consultant will work with the county to identify the potential projects.

Councilor Plaugh asked will the security and maintenance come out of the operational expenses.

Ms. Dana Higgins, City Engineer said it's being reviewed. She said the first trail system for the Lincoln Tunnel came out of the Parks and Recreation budget. She gave an update on the Vista Greenway Phase II Project. She said the design is scheduled to be complete by next week; it will cover Taylor Street to Elmwood Avenue. The City received \$98,850 from the South Carolina Parks, Recreation and Tourism Department for Phase I.

Mayor Benjamin asked is there any money reserved from the penny tax for the Three Rivers Greenway.

Ms. Natalie Britt, Chair of BPAC / Executive Director of Palmetto Conservation Foundation said yes.

Ms. Dana Higgins, City Engineer said that \$892,739 has been designated for the Vista Greenway Phase II project from the penny tax; funding will be available in the summer of 2014.

Councilor Devine asked about the money to complete the design for the first part of Elmwood.

Ms. Dana Higgins, City Engineer said that the design will cover Elmwood using the penny tax.

Councilor Devine asked about the re-designation as a bicycle friendly city.

Ms. Dana Higgins, City Engineer said it will be a huge component of the master plan.

Mr. John Fellows, Planning Administrator said the consultant selected for the bike pedestrian plan will help with the bicycle friendly city. He said the city received the bronze level and has three (3) years to achieve what it set out to do.

Ms. Natalie Britt, Chair of BPAC / Executive Director of Palmetto Conservation Foundation said the RFP spells out what is needed to achieve the higher level.

Councilor Devine reminded Council about the invitation to the Bike Swamp Rabbit Trail. She said it will be a great trip for team building.

2. [Final Report from the Mayor's Panel on Violent Crime and Bond Reform](#)

Ret. Chief Robert Stewart, Retired Chief of the State Law Enforcement Division presented the final report on violent crime and bond reform. He said many ordinances are in place, but the process can be changed. He said several states were looked at to identify extensive research on secondary risk assessments and the panel recommended that the Police Department develop a similar system to perform a basic risk assessment that evaluates defendants and assists the courts in determining appropriate bonds and conditions as defined in the South Carolina Code of Laws. He said retired officers or non-sworn personnel could help with the process by lowering the expenses. He said some of the implementations have occurred from the Police Department when using the incident reports; the legislative portion requires a different action regarding detention when a defendant out on bond commits another major crime. The panel endorsed the passage of Senate Bill S19, which requires a Circuit Court bond hearing within 30 days to determine the appropriate course of action on a person charged with committing another serious crime. The panel recommends adopting Florida's statute, which prohibits pretrial release for persons on probation or parole until the holding of a probation hearing and to add

“whether the accused is gang affiliated” to the South Carolina Code of Laws. The Department of Insurance revised the requirements for payments to bondsmen on serious and violent crimes; the minimum fee should be increased and payment made to the bail agents before bond is posted.

Ms. Teresa Wilson, City Manager asked about the cost associated with the risk assessment tools.

Ret. Chief Robert Stewart, Retired Chief of the State Law Enforcement Division said it’s an open source document.

Councilor Plough asked if the risk assessment be completed only on serious crimes.

Ret. Chief Robert Stewart, Retired Chief of the State Law Enforcement Division said there are three (3) classifications of offenses, which are serious, most serious and violent crimes.

Councilor Plough asked do we have sworn officers at all hearings.

Mr. Ruben Santiago, Interim Police Chief said we are not doing it consistently. He said that the investigators are required to be at the hearings on serious and most violent crimes.

Councilor Plough asked to address this issue from a budgetary standpoint.

Councilor Davis said this didn’t come up because of a complaint. He said we wanted to look at cases across the board. He said we don’t want the materials to be thrown out if the information or officer is not available.

Ret. Chief Robert Stewart, Retired Chief of the State Law Enforcement Division said it brings so much to the table if the officer is there with a package of information; it’s no misunderstanding when setting an appropriate bond.

Mr. Ruben Santiago, Interim Police Chief said the committee has outlined where the department needs to tighten up. He said we will utilize the existing technology to assist the judges at the bond hearings.

Councilor Davis asked about scheduling, the length of cases and the financial impact.

Mr. Ruben Santiago, Interim Police Chief said it has to do with the timeframe when the officer makes the arrest. He said the paperwork is transmitted to the reporting system for evaluation.

Ret. Chief Robert Stewart, Retired Chief of the State Law Enforcement Division said more help is needed in the Police Department, because it has 24-hours to transmit the paperwork to the courts.

Mr. Ruben Santiago, Interim Police Chief said we have taken the recommendations concerning using retired officers and some individuals have volunteered from the citizens' academy.

Councilor Plough asked about the Early Legal Assistance Program and a written policy or procedure. She encouraged setting a similar policy as the Richland County Sheriff's Department.

Mr. Ruben Santiago, Interim Police Chief said there is not a written policy. He has implemented a written directive that outlines when to use the Early Legal Assistance Program.

Councilor Devine asked if other states use mental health histories in the risk assessments.

Ret. Chief Robert Stewart, Retired Chief of the State Law Enforcement Division said the information was not available.

Councilor Devine suggested it be included in the risk assessment.

Mayor Benjamin said this document is for Columbia and most of the information presented is applicable all across the state. He said when the time comes; we will work with the State House to get some changes made in the city.

3. Disparity Study Recommendations / [Modifications to the Mentor Protégé Program Guidelines](#) – Ms. Dana Higgins, City Engineer – *Discussion of this item were deferred.*
4. [Youth Sports Initiative](#)

Mr. Jeff Caton, Parks and Recreation Director presented the primary purpose of the City's Youth Sports Initiative, which is designed to encourage collaboration among vested organizations and volunteers to increase youth involvement in sports. He said the department has a staff of four (4) individuals that help to facilitate youth sports, but in terms of putting the program together, it requires a village to round up the volunteers, children and businesses. He said the city has programs in place, but we want more involvement with adults, youth, schools and the community. He said the department has a recreation tracking database, which sends out information of upcoming registrations. He said we want every child to participate and money shouldn't be an objective; we looked at upcoming events and other ways to raise money to include providing scholarships to children to participate in the program.

Mayor Benjamin said this is a great presentation. He said working with the school districts will be the key to pulling the pieces together. He said out of all the monies invested by the city; this will be an important resource going forward. He said let's get some numbers attached and move forward in a meaningful, robust and sustainable way.

Councilor Devine asked about the number of facilities involved and if cheerleading will be a part of the program.

Mr. Jeff Caton, Parks and Recreation Director said we would love to have cheerleading as part of the program; this is a great way to get the young ladies involved.

5. [Funding for the Columbia International Festival Songs of Life 2013 Event](#)

Mayor Benjamin said this application came after the previous requests for funding. He said the Columbia International Festival served as the physical agent for the event and he supports the request.

Councilor Plaugh asked can we fund something after the fact.

Ms. Libby Gober, Council Liaison said it's at the discretion of Council; we will get with the organization to determine the eligible expenditures.

Councilor Plaugh asked if the large request went before the committee.

Ms. Libby Gober, Council Liaison said no.

Mayor Benjamin asked staff to meet with the organization to determine which expenses are Hospitality Tax eligible up to the max amount identified in the request.

Ms. Libby Gober, Council Liaison said if Council will give the amount; we will work with the organization to determine the eligible expenses.

Councilor Baddourah asked if there is enough money for another round of applications and can the committee make the decision.

Councilor Runyan asked to keep a fixed amount for external requests.

Ms. Teresa Wilson, City Manager said it was done last year; we can look at raising last year's amount.

Councilor Runyan asked if there is a process for Council to not entertain additional requests.

Councilor Devine said we had a process in the past; we allocated a certain amount to the committee to be reviewed throughout the year and have steadily gone away from that process. She said if it's the desire of Council; we can consider going back to that procedure. She said once you open the door, it opens the invitation for more and it can get to the point where we are looking at applications every week.

Councilor Runyan asked if there's a contingency.

Ms. Libby Gober, Council Liaison said yes; in the past, two more rounds were considered during the calendar year after the initial applications.

Mayor Benjamin asked was there sustainability training for non-profits in the past.

Ms. Libby Gober, Council Liaison said sustainability training can be considered in the future.

Mayor Benjamin made a motion for staff to meet with the Songs of Life to determine the requested amount and the eligible costs and to fund the costs. Mr. Newman seconded the motion.

Councilor Plough asked about the impact of funding coming out of reserves; was there some logic in setting aside the ten percent. She said legacy projects will potentially utilize some of these dollars.

Mayor Benjamin said there are great fields of opportunity for projects to be funded with the reserve; we are looking at a onetime opportunity to appropriate a significant amount of funding before it falls into the black hole and disappear at the end of the fiscal year.

Councilor Runyan said the thought process behind the ten percent reserve was to create a buffer in case we need it. He said funding legacy projects will come from the reserve, because it's a 20 year commitment; it's not going to impact the funding.

Councilor Devine said we need to consider other funding that has a broader impact outside of legacy projects.

Councilor Davis said every year we are aware of the requests and now they have started to grow. He said some of the projects can be weaned off to allow others to get in the game; some organizations only survive on what is granted and that's not sustainability.

Councilor Runyan said that philosophy has to come from Council; we have to build the expectation that the money is used for leverage and sustainability. He said we can partner with others to help wean them off and this will open up for others to have an opportunity.

Councilor Plough made an amended motion to direct staff to look into building capacity and a system that would systematically deal with the requests.

Mayor Benjamin said the two motions can be added together.

Upon a motion made by Mayor Benjamin and seconded by Mr. Newman, Council voted unanimously to direct staff to meet with the Songs of Life to determine the requested amount and the eligible costs and to fund the costs and to look into building capacity and a system that would systematically deal with the requests.

6. Mayor Pro-Tempore Policy

Mayor Benjamin said it is required to elect a Mayor Pro-Tem after the general election and the next Mayor Pro-Tem will be elected in January 2015.

Councilor Newman said a pro-tem shouldn't be in rotation; it should be voted on. He said it's a time commitment based on availability.

Councilor Devine agreed that availability is important; in the past, it was based on seniority. She said from an election standpoint; everyone may not have an opportunity to serve.

Councilor Plough asked why the process has to change. She said the rotation course depoliticized it; an election sets a discord and politicizes it.

Councilor Runyan said the discussion on the table is whether to appoint the Mayor Pro-Tem from a one year term to a two year term; the order doesn't change.

Upon a motion made by Mayor Benjamin and seconded by Mr. Runyan, Council voted unanimously to reappoint The Honorable Brian DeQuincey Newman as Mayor Pro-Tempore, effective January 1, 2014 to December 31, 2014.

7. City Council Committees

Mayor Benjamin presented the proposed committee assignments for 2014.

Councilor Plough said the area that needs monitoring carefully is finance. She stressed having a more active involvement in the committee.

Councilor Devine suggested that Ms. Plough bring the concerns before the full council since there are no votes taken by the committee.

Councilor Davis said the committee structure was good compared to the previous years; he's ok with the new shift.

Upon a motion made by Mr. Newman and seconded by Mayor Benjamin, Council voted unanimously to accept the committee recommendations effective January 1, 2014 as outlined:

Administrative Policy Committee

Leona K. Plough – Chair

Tameika Isaac Devine

Moe Baddourah

Arts and Historic Preservation Committee

Moe Baddourah – Chair
Leona K. Plaugh
Brian DeQuincey Newman

Economic and Community Development Committee

Sam Davis – Chair
Tameika Isaac Devine
Moe Baddourah

Environment and Infrastructure Committee

Tameika Isaac Devine – Chair
Leona K. Plaugh
Cameron Runyan

Finance, Audit and Budget Committee

Cameron Runyan – Chair
Brian DeQuincey Newman
Sam Davis

Public Safety Committee

Brian DeQuincey Newman - Chair
Cameron Runyan
Sam Davis

RESOLUTION

8. [Resolution No.: R-2013-110](#) – Authorizing tastings only of locally produced wine and beer only provided by market vendors and operation of Soda City, an open-air market featuring farmers and food from January, 2014 to December, 2015 within the 1500 block of Main Street excluding Boyd Plaza and the sidewalk areas, and based on growth and/or seasonal fluctuations expanding to the 1400 block of Main Street excluding the sidewalk areas, without closing the intersection of Hampton Street and Main Street, and approving use of the rear bay area of the first floor of the City Center Parking Garage as a permanent alternate site for Soda City during inclement weather or other events; authorizing the City Manager to execute an Agreement between the City of Columbia and Emile DeFelice for use of the 1500 block of Main Street excluding Boyd Plaza and the sidewalk areas and based on growth and/or seasonal fluctuations expanding to the 1400 block of Main Street excluding the sidewalk areas, without closing the intersection of Hampton Street and Main Street for Soda City; approving use of the rear bay area of the first floor of the City Center Parking Garage as a permanent alternate site for Soda City during inclement weather or other events; and authorize City staff to require vendors to remove items City staff deems not to be in compliance – *Approved on first reading by a vote of five (5) to two (2).*

Mr. Robert Anderson, Director of Public Works presented an overview of the Soda City Open Market, which outlined the changes that have been made to the four (4) resolutions. He said city staff monitors the market on a weekly basis and during routine visits. He said that they have seen an increase in the number of patrons.

Mr. Frank Adams, City Resident expressed concerns with the services. He said there is no financial interest on his part; he is a consumer that likes to shop at the farmers market. He said he doesn't oppose the services at Soda City, but the operation can be improved. He asked that the city consider not signing the two (2) year agreement; to consider leasing on a monthly basis; and to model the maintenance that is set up at the Charleston Farmers Market.

Councilor Davis asked about the complaints.

Mr. Robert Anderson, Director of Public Works said some complaints included vendors being turned down for what they can sell at the market and complaints from downtown vendors.

Councilor Devine asked what the criteria are for turning down a vendor.

Ms. Teresa Wilson, City Manager said it's a matter of the way we handle the market; either keep it the way it is or be very specific with the concerns and address it. She said it is two separate discussions about whether Council wants to continue with granting the vendor the rights to conduct the market or look at a different model. She noted that they have already looked at Greenville, SC Farmers Market and the Charleston model.

Mayor Benjamin said it's important to recognize the concerns and the ways the event has evolved over time.

Mr. Robert Anderson, Director of Public Works said when the market first started there were a total of 20 vendors participating, but this past summer 75 vendors have participated.

Councilor Plough asked about procurement.

Mr. Kenneth Gaines, Esq., City Attorney said there is no procurement, because the city is not purchasing anything. He said we are allowing people to use the street.

Councilor Plough asked if we allow anyone else to use the street.

Mr. Kenneth Gaines, City Attorney said the city doesn't have to allow anyone to use the streets; Council has the statutory power to temporarily close all roads.

Councilor Devine said this is not a procurement issue; the concerns raised are an equity issue about the approach.

Mr. Robert Anderson, Director of Public Works said last year the North Main Farmers Market provided the same provisions as the Soda City Resolution to operate from May until November 2013 between the hours of 2:00 p.m. and 7:00 p.m.; it wasn't in the street, but the location was at the corner of Main Street and Newman Street.

Councilor Plaugh asked about the access to the parking garage.

Mr. Robert Anderson, Director of Public Works said we can amend the resolution to change the location in the garage.

Councilor Plaugh said it limits the activities based on the weather. She asked has the beer and wine tastings always been in the resolution.

Mr. Robert Anderson, Director of Public Works said yes; so far no one has tasted beer and wine.

Councilor Baddourah asked if you can sell wine.

Mr. Robert Anderson, Director of Public Works said yes; you just can't consume it.

Councilor Davis asked about sole source versus the bidding process.

Councilor Newman said this has benefited downtown and I am prepared to move forward. He made a motion to approve the resolution. Mr. Runyan seconded the motion.

Councilor Runyan said he has visited on several occasions; it cannot get any more perfect; and it makes much sense to continue.

Councilor Baddourah said many complaints have come forth from business owners during the market hours; he is concerned about moving forward.

Upon a motion made by Mr. Newman and seconded by Mr. Runyan, Council voted five (5) to two (2) to approve Resolution No.: R-2013-110 – Authorizing tastings only of locally produced wine and beer only provided by market vendors and operation of Soda City, an open-air market featuring farmers and food from January, 2014 to December, 2015 within the 1500 block of Main Street excluding Boyd Plaza and the sidewalk areas, and based on growth and/or seasonal fluctuations expanding to the 1400 block of Main Street excluding the sidewalk areas, without closing the intersection of Hampton Street and Main Street, and approving use of the rear bay area of the first floor of the City Center Parking Garage as a permanent alternate site for Soda City during inclement weather or other events; authorizing the City Manager to execute an Agreement between the City of Columbia and Emile DeFelice for use of the 1500 block of Main Street excluding Boyd Plaza and the sidewalk areas and based on growth and/or seasonal fluctuations expanding to the 1400 block of Main Street excluding the sidewalk areas, without closing the intersection of Hampton Street and Main Street for Soda City; approving use of the rear bay area of the first floor of the City Center Parking Garage as a permanent alternate site for Soda City during inclement weather or other events; and authorize City staff to require vendors to remove items City staff deems not to be in

compliance. Voting aye were Mr. Davis, Ms. Devine, Mr. Newman, Mr. Runyan and Mayor Benjamin. Voting nay were Ms. Plough and Mr. Baddourah.

EXECUTIVE SESSION

Upon a motion made by Mr. Newman and seconded by Mr. Runyan, Council voted unanimously to go into Executive Session at 5:16 p.m. for the discussion of **Items 9** through **12** as outlined.

9. Receipt of legal advice which relates to a pending, threatened or potential claim – *This item was discussed in Executive Session. No action was taken.*
10. Discussion of negotiations incident to proposed contractual arrangements – *This item was discussed in Executive Session. No action was taken.*
11. Receipt of legal advice which relates to matters covered by attorney-client privilege – *This item was discussed in Executive Session. No action was taken.*
12. Discussion of employment of an employee – *This item was discussed in Executive Session. No action was taken.*

- **Council adjourned the Executive Session at 6:16 p.m.**

Respectfully submitted by:

Niki Daniels
City Clerk Assistant